

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARL HODGES,

Defendant.

ORDER

03-cr-142-bbc

On April 24, 2009, the United States Probation Office filed a petition for a warrant directing defendant Carl Hodges to show cause why his supervised release should not be revoked after he was found in possession of 10 grams of heroin. A warrant issued and defendant was arrested and taken into federal custody. On May 13, 2009, defendant was indicted on a charge of possessing heroin with the intent to distribute it, in violation of 21 U.S.C. § 841(1)(a). He entered into a plea agreement with the government on August 10, 2009 and was sentenced on November 4, 2009.

As part of the plea agreement, the government promised defendant it would move to dismiss the petition for revocation of supervised release. However, the government failed to move at sentencing for dismissal (and it is questionable whether I would have granted the

motion, given the serious nature of the alleged violation.) Instead, as part of the sentencing, I ruled that defendant's supervised release was revoked, as required under the Sentencing Guidelines in the case of a Grade A violation, § 7B1.3(a)1), and I sentenced defendant to time served.

Because defendant's file does not contain a separate document setting out the disposition of the probation office's petition, I will set it out in this document.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant Carl Hodges on May 4, 2004 is REVOKED and defendant is sentenced to time served between April 23, 2009 and November 4, 2009. No term of supervised release shall follow.

Entered this 9th day of April, 2010.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge